

ASSEMBLY, No. 3204

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

SYNOPSIS

Provides certain health care benefits to surviving dependents of accidental disability retiree who participated in 9/11 WTC rescue, recovery, or cleanup operations; clarifies eligibility criteria for recalculation of retirement allowance for such participation.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning health care and retirement benefits for certain
2 members of the Police and Firemen's Retirement System, the
3 State Police Retirement System, and the Public Employees'
4 Retirement System and their survivors, and amending P.L.1944,
5 c.255, P.L.1965, c.89, and P.L.1954, c.84.

6
7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:

9
10 1. Section 7 of P.L.1944, c.255 (C.43:16A-7) is amended to
11 read as follows:

12 7. a. (1) Upon the written application by a member in service,
13 by one acting in his behalf or by his employer any member may be
14 retired on an accidental disability retirement allowance; provided,
15 that the medical board, after a medical examination of such
16 member, shall certify that the member is permanently and totally
17 disabled as a direct result of a traumatic event occurring during and
18 as a result of the performance of his regular or assigned duties and
19 that such disability was not the result of the member's willful
20 negligence and that such member is mentally or physically
21 incapacitated for the performance of his usual duty and of any other
22 available duty in the department which his employer is willing to
23 assign to him. The application to accomplish such retirement must
24 be filed within five years of the original traumatic event, but the
25 board of trustees may consider an application filed after the five-
26 year period if it can be factually demonstrated to the satisfaction of
27 the board of trustees that the disability is due to the accident and the
28 filing was not accomplished within the five-year period due to a
29 delayed manifestation of the disability or to other circumstances
30 beyond the control of the member.

31 (2) Upon retirement for accidental disability, a member shall
32 receive an accidental disability retirement allowance which shall
33 consist of:

34 (a) An annuity which shall be the actuarial equivalent of his
35 aggregate contributions and

36 (b) A pension in the amount which, when added to the member's
37 annuity, will provide a total retirement allowance of 2/3 of the
38 member's actual annual compensation for which contributions were
39 being made at the time of the occurrence of the accident or at the
40 time of the member's retirement, whichever provides the largest
41 possible benefit to the member.

42 (3) Upon receipt of proper proofs of the death of a member who
43 has retired on accidental disability retirement allowance, there shall
44 be paid to such member's beneficiary, an amount equal to 3 1/2
45 times the compensation upon which contributions by the member to

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 the annuity savings fund were based in the last year of creditable
2 service; provided, however, that if such death shall occur after the
3 member shall have attained 55 years of age the amount payable
4 shall equal 1/2 of such compensation instead of 3 1/2 times such
5 compensation.

6 (4) Permanent and total disability resulting from a
7 cardiovascular, pulmonary or musculoskeletal condition which was
8 not a direct result of a traumatic event occurring in the performance
9 of duty shall be deemed an ordinary disability.

10 b. (1) For purposes of this subsection:

11 "Qualifying condition or impairment of health" includes:

12 diseases of the upper respiratory tract and mucosae, including
13 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
14 laryngitis, vocal cord disease, upper airway hyper-reactivity and
15 tracheo-bronchitis, or a combination of such conditions;

16 diseases of the lower respiratory tract, including but not limited
17 to bronchitis, asthma, reactive airway dysfunction syndrome, and
18 different types of pneumonitis, such as hypersensitivity,
19 granulomatous, or eosinophilic;

20 diseases of the gastroesophageal tract, including esophagitis and
21 reflux disease, either acute or chronic, caused by exposure or
22 aggravated by exposure;

23 diseases of the psychological axis, including post-traumatic
24 stress disorder, anxiety, depression, or any combination of such
25 conditions;

26 diseases of the skin such as contact dermatitis or burns, either
27 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
28 non-specific reactive in nature, caused by exposure or aggravated
29 by exposure; and

30 new onset diseases resulting from exposure as such diseases
31 occurring in the future including cancer, chronic obstructive
32 pulmonary disease, asbestos-related disease, heavy metal poisoning,
33 musculoskeletal disease and chronic psychological disease.

34 "World Trade Center rescue, recovery, or cleanup operations"
35 means the rescue, recovery, or cleanup operations at the World
36 Trade Center site between September 11, 2001 and October 11,
37 2001.

38 "World Trade Center site" means any location below a line
39 starting from the Hudson River and Canal Street, east on Canal
40 Street to Pike Street, south on Pike Street to the East River, and
41 extending to the lower tip of Manhattan.

42 (2) Notwithstanding any provision of subsection a. of this
43 section or any other law to the contrary, for a member who
44 participated, whether or not under orders or instruction by an
45 employer to so participate, in World Trade Center rescue, recovery,
46 or cleanup operations for a minimum of eight hours, permanent and
47 total disability resulting from a qualifying condition or impairment
48 of health shall be presumed to have occurred during and as a result

1 of the performance of the member's regular or assigned duties and
2 not the result of the member's willful negligence, unless the
3 contrary can be proved by competent evidence.

4 A member who did not participate in such operations for a
5 minimum of eight hours shall be eligible for the presumption
6 provided that:

7 the member participated in the rescue, recovery, or cleanup
8 operations at the World Trade Center site between September 11,
9 2001 and September 12, 2001;

10 the member sustained a documented physical injury at the World
11 Trade Center site between September 11, 2001 and September 12,
12 2001 that is a qualifying condition or impairment of health resulting
13 in a disability to the member that prevented the member from
14 continuing to participate in World Trade Center rescue, recovery, or
15 cleanup operations for a minimum of eight hours; and

16 the documented physical injury that resulted in a disability to the
17 member that prevented the member from continuing to participate
18 in World Trade Center rescue, recovery, or cleanup operations for a
19 minimum of eight hours is the qualifying condition or impairment
20 of health for which the member seeks a presumption under this
21 subsection.

22 In order to be eligible for the presumption provided under this
23 subsection, a member shall have successfully passed a physical
24 examination for entry into public service which failed to disclose
25 evidence of the qualifying condition or impairment of health that
26 formed the basis for the permanent and total disability.

27 (3) A member who participated in the World Trade Center
28 rescue, recovery, or cleanup operations for a minimum of eight
29 hours and [subsequently retired on a service retirement or an
30 ordinary disability retirement and] thereafter incurred a disability
31 caused by a qualifying condition or impairment of health which the
32 medical board determines to be caused by participation in World
33 Trade Center rescue, recovery, or cleanup operations shall be
34 eligible to apply to the board of trustees to have the retiree's service
35 retirement or ordinary disability retirement allowance recalculated
36 as an accidental disability retirement allowance for benefit
37 payments on or after the date of the application, provided the retiree
38 filed an application for such recalculation within 30 days of the date
39 that the retiree knew or should have known of the existence of such
40 disability and its relation to the rescue, recovery, or cleanup
41 operations, or within two years of the effective date of P.L.2019,
42 c.157, whichever occurs later. In order to be eligible for such
43 recalculation, the retiree shall have successfully passed a physical
44 examination for entry into public service which failed to disclose
45 evidence of the qualifying condition or impairment of health that
46 formed the basis for the disability.

47 (4) The board of trustees shall promulgate rules and regulations
48 necessary to implement the provisions of this subsection and shall

1 notify members and retirants in the retirement system of the
2 enactment of this act, P.L.2019, c.157, within 30 days of enactment.

3 A member or retiree shall not be eligible for the presumption or
4 recalculation under this subsection unless within two years of the
5 effective date of this act, P.L.2019, c.157, or within 30 days of
6 becoming a member of the system, whichever occurs later, the
7 member or retiree files a written and sworn statement with the
8 retirement system on a form provided by the board of trustees
9 thereof indicating the dates and locations of service.

10 (5) This subsection shall apply regardless of whether the
11 member or retiree, who is otherwise eligible, was enrolled in the
12 retirement system at the time of participation in World Trade Center
13 rescue, recovery, or cleanup operations as specified herein.

14 (6) Upon the receipt of proper proofs of the death of a member
15 who has retired on an accidental disability retirement allowance
16 pursuant to this subsection, and whose death was caused by a
17 qualifying condition or impairment of health which the medical
18 board determines to be caused by participation in World Trade
19 Center rescue, recovery, or cleanup operations, the State shall pay
20 to the member's employer-sponsored health insurance program, or
21 to the widow or widower in the case of coverage under Part B of the
22 federal Medicare program, the premium or periodic charges for
23 health benefits coverage of the retiree's surviving widow or
24 widower and dependent children. A surviving widow or widower
25 shall contribute, through the withholding of the contribution from
26 the monthly retirement allowance, or by any other means
27 determined by the Division of Pensions and Benefits, toward the
28 cost of the health care benefits coverage in an amount that shall be
29 determined in accordance with section 39 of P.L.2011, c.78
30 (C.52:14-17.28c), by using the percentage applicable to the range
31 within which the annual retirement allowance received pursuant to
32 this section, and any future cost of living adjustments thereto, falls.
33 The amount payable by a widow or widower under this paragraph
34 shall not be less than 1.5 percent of the monthly retirement
35 allowance.

36 This paragraph shall not apply in the case of a dependent who is
37 otherwise eligible for continuation of coverage, the cost of which is
38 paid in full or in part by the employer, under section 7 of P.L.1964,
39 c.125 (C.52:14-17.38), or under section 3 of P.L.1983, c.191
40 (C.40A:10-34.3), as determined under a binding collective
41 negotiations agreement in effect at the time of the adoption of this
42 act, P.L. , c. (pending before the Legislature as this bill).
43 (cf: P.L.2019, c.157, s.2)

44

45 2. Section 10 of P.L.1965, c.89 (C.53:5A-10) is amended to
46 read as follows:

47 10. a. Upon the written application by a member in service, by
48 one acting in his behalf or by the State, any member may be retired,

1 not less than 1 month next following the date of filing such
2 application, on an accidental disability retirement allowance,
3 provided, that the medical board, after a medical examination of
4 such member, shall certify that the member is permanently and
5 totally disabled as a direct result of a traumatic event occurring
6 during and as a result of the performance of his regular or assigned
7 duties and that such disability was not the result of the member's
8 willful negligence and that such member is mentally or physically
9 incapacitated for the performance of his usual duties in the Division
10 of State Police which the Superintendent of State Police is willing
11 to assign to him. The application to accomplish such retirement
12 must be filed within 5 years of the original traumatic event, but the
13 board of trustees may consider an application filed after the 5-year
14 period if it can be factually demonstrated to the satisfaction of the
15 board of trustees that the disability is due to the accident and the
16 filing was not accomplished within the 5-year period due to a
17 delayed manifestation of the disability or to the member's continued
18 employment in a restricted capacity consistent with the nature of his
19 disability in the Division of the State Police upon and at the written
20 request of the superintendent, with the concurrence of the Attorney
21 General, or to other circumstances beyond the control of the
22 member.

23 b. Upon retirement for accidental disability, a member shall
24 receive an accidental disability retirement allowance which shall
25 consist of:

26 (1) An annuity which shall be the actuarial equivalent of his
27 aggregate contributions and

28 (2) A pension in the amount which, when added to the member's
29 annuity, will provide a total retirement allowance of $\frac{2}{3}$ of his final
30 compensation.

31 c. Upon the receipt of proper proofs of the death of a member
32 who has retired on an accidental disability retirement allowance,
33 there shall be paid to the member's beneficiary, an amount equal to
34 $3\frac{1}{2}$ times the final compensation received by the member in the
35 last year of creditable service; provided, however, that if such death
36 shall occur after the member shall have attained 55 years of age the
37 amount payable shall equal $\frac{1}{2}$ of such compensation instead of $3\frac{1}{2}$
38 times such compensation.

39 d. Permanent and total disability resulting from a
40 cardiovascular, pulmonary or musculoskeletal condition which was
41 not a direct result of a traumatic event occurring in the performance
42 of duty shall be deemed an ordinary disability.

43 e. (1) For purposes of this subsection:

44 "Qualifying condition or impairment of health" includes:

45 diseases of the upper respiratory tract and mucosae, including
46 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
47 laryngitis, vocal cord disease, upper airway hyper-reactivity and
48 tracheo-bronchitis, or a combination of such conditions;

1 diseases of the lower respiratory tract, including but not limited
2 to bronchitis, asthma, reactive airway dysfunction syndrome, and
3 different types of pneumonitis, such as hypersensitivity,
4 granulomatous, or eosinophilic;

5 diseases of the gastroesophageal tract, including esophagitis and
6 reflux disease, either acute or chronic, caused by exposure or
7 aggravated by exposure;

8 diseases of the psychological axis, including post-traumatic
9 stress disorder, anxiety, depression, or any combination of such
10 conditions;

11 diseases of the skin such as contact dermatitis or burns, either
12 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
13 non-specific reactive in nature, caused by exposure or aggravated
14 by exposure; and

15 new onset diseases resulting from exposure as such diseases
16 occurring in the future including cancer, chronic obstructive
17 pulmonary disease, asbestos-related disease, heavy metal poisoning,
18 musculoskeletal disease and chronic psychological disease.

19 "World Trade Center rescue, recovery, or cleanup operations"
20 means the rescue, recovery, or cleanup operations at the World
21 Trade Center site between September 11, 2001 and October 11,
22 2001.

23 "World Trade Center site" means any location below a line
24 starting from the Hudson River and Canal Street, east on Canal
25 Street to Pike Street, south on Pike Street to the East River, and
26 extending to the lower tip of Manhattan.

27 (2) Notwithstanding any provision of subsection a. of this
28 section or any other law to the contrary, for a member who
29 participated, whether or not under orders or instruction by an
30 employer to so participate, in World Trade Center rescue, recovery,
31 or cleanup operations for a minimum of eight hours, permanent and
32 total disability resulting from a qualifying condition or impairment
33 of health shall be presumed to have occurred during and as a result
34 of the performance of the member's regular or assigned duties and
35 not the result of the member's willful negligence, unless the
36 contrary can be proved by competent evidence.

37 A member who did not participate in such operations for a
38 minimum of eight hours shall be eligible for the presumption
39 provided that:

40 the member participated in the rescue, recovery, or cleanup
41 operations at the World Trade Center site between September 11,
42 2001 and September 12, 2001;

43 the member sustained a documented physical injury at the World
44 Trade Center site between September 11, 2001 and September 12,
45 2001 that is a qualifying condition or impairment of health resulting
46 in a disability to the member that prevented the member from
47 continuing to participate in World Trade Center rescue, recovery, or
48 cleanup operations for a minimum of eight hours; and

1 the documented physical injury that resulted in a disability to the
2 member that prevented the member from continuing to participate
3 in World Trade Center rescue, recovery, or cleanup operations for a
4 minimum of eight hours is the qualifying condition or impairment
5 of health for which the member seeks a presumption under this
6 subsection.

7 In order to be eligible for the presumption provided under this
8 subsection, a member shall have successfully passed a physical
9 examination for entry into public service which failed to disclose
10 evidence of the qualifying condition or impairment of health that
11 formed the basis for the permanent and total disability.

12 (3) A member who participated in the World Trade Center
13 rescue, recovery, or cleanup operations for a minimum of eight
14 hours and **【**subsequently retired on a service retirement or an
15 ordinary disability retirement and**】** thereafter incurred a disability
16 caused by a qualifying condition or impairment of health which the
17 medical board determines to be caused by participation in World
18 Trade Center rescue, recovery, or cleanup operations shall be
19 eligible to apply to the board of trustees to have the retiree's service
20 retirement or ordinary disability retirement allowance recalculated
21 as an accidental disability retirement allowance for benefit
22 payments on or after the date of the application, provided the retiree
23 filed an application for such recalculation within 30 days of the date
24 that the retiree knew or should have known of the existence of such
25 disability and its relation to the rescue, recovery, or cleanup
26 operations, or within two years of the effective date of P.L.2019,
27 c.157, whichever occurs later. In order to be eligible for such
28 recalculation, the retiree shall have successfully passed a physical
29 examination for entry into public service which failed to disclose
30 evidence of the qualifying condition or impairment of health that
31 formed the basis for the disability.

32 (4) The board of trustees shall promulgate rules and regulations
33 necessary to implement the provisions of this subsection and shall
34 notify members and retirants in the retirement system of the
35 enactment of this act, P.L.2019, c.157, within 30 days of enactment.

36 A member or retiree shall not be eligible for the presumption or
37 recalculation under this subsection unless within two years of the
38 effective date of this act, P.L.2019, c.157, or within 30 days of
39 becoming a member of the system, whichever occurs later, the
40 member or retiree files a written and sworn statement with the
41 retirement system on a form provided by the board of trustees
42 thereof indicating the dates and locations of service.

43 (5) This subsection shall apply regardless of whether the
44 member or retiree, who is otherwise eligible, was enrolled in the
45 retirement system at the time of participation in World Trade Center
46 rescue, recovery, or cleanup operations as specified herein.

47 (6) Upon the receipt of proper proofs of the death of a member
48 who has retired on an accidental disability retirement allowance

1 pursuant to this subsection, and whose death was caused by a
2 qualifying condition or impairment of health which the medical
3 board determines to be caused by participation in World Trade
4 Center rescue, recovery, or cleanup operations, the State shall pay
5 to the member's employer-sponsored health insurance program, or
6 to the widow or widower in the case of coverage under Part B of the
7 federal Medicare program, the premium or periodic charges for
8 health benefits coverage of the retiree's surviving widow or
9 widower and dependent children. A surviving widow or widower
10 shall contribute, through the withholding of the contribution from
11 the monthly retirement allowance, or by any other means
12 determined by the Division of Pensions and Benefits, toward the
13 cost of the health care benefits coverage in an amount that shall be
14 determined in accordance with section 39 of P.L.2011, c.78
15 (C.52:14-17.28c), by using the percentage applicable to the range
16 within which the annual retirement allowance received pursuant to
17 this section, and any future cost of living adjustments thereto, falls.
18 The amount payable by a widow or widower under this paragraph
19 shall not be less than 1.5 percent of the monthly retirement
20 allowance.

21 (cf: P.L.2019, c.157, s.3)

22
23 3. Section 43 of P.L.1954, c.84 (C.43:15A-43) is amended to
24 read as follows:

25 43. a. A member who has not attained age 65 shall, upon the
26 application of the head of the department in which he is employed
27 or upon his own application or the application of one acting in his
28 behalf, be retired by the board of trustees, if said employee is
29 permanently and totally disabled as a direct result of a traumatic
30 event occurring during and as a result of the performance of his
31 regular or assigned duties, on an accidental disability allowance. A
32 traumatic event occurring during voluntary performance of regular
33 or assigned duties at a place of employment before or after required
34 hours of employment which is not in violation of any valid work
35 rule of the employer or otherwise prohibited by the employer shall
36 be deemed as occurring during the performance of regular or
37 assigned duties.

38 The application to accomplish such retirement must be filed
39 within five years of the original traumatic event, but the board of
40 trustees may consider an application filed after the five-year period
41 if it can be factually demonstrated to the satisfaction of the board of
42 trustees that the disability is due to the accident and the filing was
43 not accomplished within the five-year period due to a delayed
44 manifestation of the disability or to circumstances beyond the
45 control of the member.

46 Permanent and total disability resulting from a cardiovascular,
47 pulmonary or musculo-skeletal condition which was not a direct

1 result of a traumatic event occurring in the performance of duty
2 shall be deemed an ordinary disability.

3 Before consideration of the application by the board of trustees,
4 the physician or physicians designated by the board shall have first
5 made a medical examination of the member at his residence or at
6 any other place mutually agreed upon and shall have certified to the
7 board that he is physically or mentally incapacitated for the
8 performance of duty, and should be retired, and the appointing
9 authority shall have certified to the board that the member is
10 permanently and totally disabled as a direct result of a traumatic
11 event occurring during and as a result of the performance of his
12 regular or assigned duties, the time and place where the duty
13 causing the disability was performed, that the disability was not the
14 result of his willful negligence and that the member should be
15 retired.

16 No person who becomes a member of the retirement system on
17 or after the effective date of P.L.2010, c.3 shall be eligible for
18 retirement pursuant to this section.

19 b. (1) For purposes of this subsection:

20 "Qualifying condition or impairment of health" includes:

21 diseases of the upper respiratory tract and mucosae, including
22 conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis,
23 laryngitis, vocal cord disease, upper airway hyper-reactivity and
24 tracheo-bronchitis, or a combination of such conditions;

25 diseases of the lower respiratory tract, including but not limited
26 to bronchitis, asthma, reactive airway dysfunction syndrome, and
27 different types of pneumonitis, such as hypersensitivity,
28 granulomatous, or eosinophilic;

29 diseases of the gastroesophageal tract, including esophagitis and
30 reflux disease, either acute or chronic, caused by exposure or
31 aggravated by exposure;

32 diseases of the psychological axis, including post-traumatic
33 stress disorder, anxiety, depression, or any combination of such
34 conditions;

35 diseases of the skin such as contact dermatitis or burns, either
36 acute or chronic in nature, infectious, irritant, allergic, idiopathic or
37 non-specific reactive in nature, caused by exposure or aggravated
38 by exposure; and

39 new onset diseases resulting from exposure as such diseases
40 occurring in the future including cancer, chronic obstructive
41 pulmonary disease, asbestos-related disease, heavy metal poisoning,
42 musculoskeletal disease and chronic psychological disease.

43 "World Trade Center rescue, recovery, or cleanup operations"
44 means the rescue, recovery, or cleanup operations at the World
45 Trade Center site between September 11, 2001 and October 11,
46 2001.

47 "World Trade Center site" means any location below a line
48 starting from the Hudson River and Canal Street, east on Canal

1 Street to Pike Street, south on Pike Street to the East River, and
2 extending to the lower tip of Manhattan.

3 (2) Notwithstanding any provision of subsection a. of this
4 section or any other law to the contrary, for a member who
5 participated, whether or not under orders or instruction by an
6 employer to so participate, in World Trade Center rescue, recovery,
7 or cleanup operations for a minimum of eight hours, permanent and
8 total disability resulting from a qualifying condition or impairment
9 of health shall be presumed to have occurred during and as a result
10 of the performance of the member's regular or assigned duties and
11 not the result of the member's willful negligence, unless the
12 contrary can be proved by competent evidence.

13 A member who did not participate in such operations for a
14 minimum of eight hours shall be eligible for the presumption
15 provided that:

16 the member participated in the rescue, recovery, or cleanup
17 operations at the World Trade Center site between September 11,
18 2001 and September 12, 2001;

19 the member sustained a documented physical injury at the World
20 Trade Center site between September 11, 2001 and September 12,
21 2001 that is a qualifying condition or impairment of health resulting
22 in a disability to the member that prevented the member from
23 continuing to participate in World Trade Center rescue, recovery, or
24 cleanup operations for a minimum of eight hours; and

25 the documented physical injury that resulted in a disability to the
26 member that prevented the member from continuing to participate
27 in World Trade Center rescue, recovery, or cleanup operations for a
28 minimum of eight hours is the qualifying condition or impairment
29 of health for which the member seeks a presumption under this
30 subsection.

31 In order to be eligible for the presumption provided under this
32 subsection, a member shall have successfully passed a physical
33 examination for entry into public service which failed to disclose
34 evidence of the qualifying condition or impairment of health that
35 formed the basis for the permanent and total disability.

36 (3) A member who participated in the World Trade Center
37 rescue, recovery, or cleanup operations for a minimum of eight
38 hours and **【**subsequently retired on a service retirement or an
39 ordinary disability retirement and**】** thereafter incurred a disability
40 caused by a qualifying condition or impairment of health which the
41 medical board determines to be caused by participation in World
42 Trade Center rescue, recovery, or cleanup operations shall be
43 eligible to apply to the board of trustees to have the retiree's service
44 retirement or ordinary disability retirement allowance recalculated
45 as an accidental disability retirement allowance for benefit
46 payments on or after the date of the application, provided the retiree
47 filed an application for such recalculation within 30 days of the date
48 that the retiree knew or should have known of the existence of such

1 disability and its relation to the rescue, recovery, or cleanup
2 operations, or within two years of the effective date of P.L.2019,
3 c.157, whichever occurs later. In order to be eligible for such
4 recalculation, the retiree shall have successfully passed a physical
5 examination for entry into public service which failed to disclose
6 evidence of the qualifying condition or impairment of health that
7 formed the basis for the disability.

8 (4) The board of trustees shall promulgate rules and regulations
9 necessary to implement the provisions of this subsection and shall
10 notify members and retirants in the retirement system of the
11 enactment of this act, P.L.2019, c.157, within 30 days of enactment.

12 A member or retiree shall not be eligible for the presumption or
13 recalculation under this subsection unless within two years of the
14 effective date of this act, P.L.2019, c.157, or within 30 days of
15 becoming a member of the system, whichever occurs later, the
16 member or retiree files a written and sworn statement with the
17 retirement system on a form provided by the board of trustees
18 thereof indicating the dates and locations of service.

19 (5) This subsection shall apply only to: any member or retiree
20 who is or was enrolled in the Public Employees' Retirement System
21 because the member or retiree did not meet the age or medical
22 requirements for enrollment in the Police and Firemen's Retirement
23 System on the basis of the position held; and to any emergency
24 medical technician who is a member or retiree of the Public
25 Employees' Retirement System. For the purposes of this paragraph,
26 "emergency medical technician" means a person trained in basic life
27 support services as defined in section 1 of P.L.1985, c.351
28 (C.26:2K-21) and who is certified by the Department of Health to
29 perform these services.

30 (6) This subsection shall apply regardless of whether the
31 member or retiree, who is otherwise eligible, was enrolled in the
32 retirement system at the time of participation in World Trade Center
33 rescue, recovery, or cleanup operations as specified herein.

34 (7) Upon the receipt of proper proofs of the death of a member
35 who has retired on an accidental disability retirement allowance
36 pursuant to this subsection, and whose death was caused by a
37 qualifying condition or impairment of health which the medical
38 board determines to be caused by participation in World Trade
39 Center rescue, recovery, or cleanup operations, the State shall pay
40 to the member's employer-sponsored health insurance program, or
41 to the widow or widower in the case of coverage under Part B of the
42 federal Medicare program, the premium or periodic charges for
43 health benefits coverage of the retiree's surviving widow or
44 widower and dependent children. A surviving widow or widower
45 shall contribute, through the withholding of the contribution from
46 the monthly retirement allowance, or by any other means
47 determined by the Division of Pensions and Benefits, toward the
48 cost of the health care benefits coverage in an amount that shall be

1 determined in accordance with section 39 of P.L.2011, c.78
2 (C.52:14-17.28c), by using the percentage applicable to the range
3 within which the annual retirement allowance received pursuant to
4 this section, and any future cost of living adjustments thereto, falls.
5 The amount payable by a widow or widower under this paragraph
6 shall not be less than 1.5 percent of the monthly retirement
7 allowance.

8 This paragraph shall not apply in the case of a dependent who is
9 otherwise eligible for continuation of coverage, the cost of which is
10 paid in full or in part by the employer, under section 7 of P.L.1964,
11 c.125 (C.52:14-17.38), or under section 3 of P.L.1983, c.191
12 (C.40A:10-34.3), as determined under a binding collective
13 negotiations agreement in effect at the time of the adoption of this
14 act, P.L. , c. (pending before the Legislature as this bill).
15 (cf: P.L.2019, c.157, s.4)

16
17 4. This act shall take effect immediately.
18
19

20 STATEMENT

21
22 This bill provides certain health care benefits to surviving
23 dependents of an accidental disability retiree who participated in
24 9/11 World Trade Center rescue, recovery, or cleanup operations.
25 The bill also clarifies the eligibility criteria for recalculating a
26 retiree's pension if that person participated in rescue, recovery, or
27 cleanup operations.

28 Under current law, the surviving spouse of a retiree of the State
29 Police Retirement System (SPRS) may elect to continue receiving
30 health coverage through the State Health Benefits Program (SHBP)
31 as long as the spouse was covered by the retiree's health plan at the
32 time of death. The surviving spouse is responsible for the cost of
33 the coverage. The surviving spouse of a member of the Police and
34 Firemen's Retirement System (PFRS) or the Public Employees'
35 Retirement System (PERS) is only eligible for continued coverage
36 pursuant to the Consolidated Omnibus Budget Reconciliation Act of
37 1985 (COBRA) for up to 36 months after the death of the retiree.
38 This bill provides that a surviving spouse or dependent child of a
39 member of the SPRS, PFRS, or PERS who was receiving an
40 accidental disability retirement allowance based upon participation
41 in World Trade Center rescue, recovery, or cleanup operations, and
42 whose death resulted from a qualifying condition or impairment of
43 health, is eligible for continued health care coverage. The bill also
44 provides that the majority of the cost of the health care coverage
45 would be covered by the State; the surviving spouse would be
46 responsible to pay a percentage of the cost based upon the amount
47 of retirement allowance the spouse is receiving. The bill would not
48 apply to any surviving spouse or dependent child who is already

1 eligible for continued health care benefits pursuant to a collective
2 bargaining agreement in effect on the date of enactment of the bill.

3 The bill also clarifies that a member who participated in World
4 Trade Center rescue, recovery, or cleanup operations and who
5 subsequently retired on a service retirement or ordinary disability
6 retirement is eligible to have the retirement recalculated as an
7 accidental disability retirement, regardless of whether the disability
8 due to cleanup operations manifested prior or subsequent to the
9 original retirement. The bill also provides that a retiree may apply
10 for the recalculation within two years of the effective date of “The
11 Bill Ricci World Trade Center Rescue, Recovery, and Cleanup
12 Operations Act,” P.L.2019, c.157, July 8, 2019. After that time, a
13 retiree must apply for the recalculation within 30 days of the date
14 that the retiree knew or should have known of the existence of the
15 disability and its relation to the rescue, recovery, or cleanup
16 operations.

17 Finally, the bill clarifies that the benefits provided under this bill
18 and under P.L.2019, c.157 apply to persons who become members
19 of the SPRS, PFRS, or PERS later than two years after the effective
20 date of P.L.2019, c.157. It provides that those members must file a
21 written and sworn statement with the retirement system indicating
22 the dates and locations of cleanup efforts within 30 days of
23 becoming a member of the system.